

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 DANIEL CLARENCE FREDRICKS,

11
12 Petitioner,

13 v.

14 ELDON VAIL,

15 Respondent.
16

Case No. C09-5599RBL

ORDER

17
18 The underlying matter has been referred to United States Magistrate Judge J. Richard
19 Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and 636 (b)(1)(B), and Local Magistrate Judge's
20 Rules MJR3 and MJR4. The matter is before the court on petitioner's motion for appointment of
21 counsel (Dkt. 12). After reviewing the matter, the court finds and orders as follows.

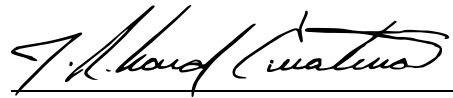
22 There is no right to have counsel appointed in cases brought under 28 U.S.C. § 2254,
23 unless an evidentiary hearing is required or such appointment is "necessary for the effective
24 utilization of discovery procedures." McCleskey v. Zant, 499 U.S. 467, 495 (1991); United
25 States v. Duarte-Higareda, 68 F.3d 369, 370 (9th Cir. 1995); United States v. Angelone, 894 F.2d
26 1129, 1130 (9th Cir. 1990); Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983); Rules

ORDER - 1

1 Governing Section 2254 Cases in the United States District Courts 6(a) and 8(c). The court also
2 may appoint counsel “at any stage of the case if the interests of justice so require.” Weygandt,
3 718 F.2d at 754. Petitioner has demonstrated his ability to articulate his claims; petitioner’s
4 motion for appointment of counsel is DENIED.

5 The Clerk is directed to mail a copy of this Order to petitioner.

6 Dated this 16th day of November, 2009.
7
8

9
10 

11 J. Richard Creatura
12 United States Magistrate Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26